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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 MARCO SANTIAGO,

11 Plaintiff,

12 v.

13 WASHINGTON DOC, et al.,

14 Defendants.
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CASE NO. 3:18-cv-05825-RBL-JRC

ORDER DENYING MOTION TO
DISMISS AS MOOT

16 Plaintiff Marco Santiago, a.k.a. Ashley Moon Raelynn, proceeding *pro se* and *in forma*
17 *pauperis*, filed this civil rights complaint under 42 U.S.C. § 1983. Currently pending before the
18 Court is defendant Washington State Department of Corrections' ("DOC") motion to dismiss.
19 Dkt. 17.

20 Defendant DOC filed a motion to dismiss, arguing that as a state agency, DOC is not a
21 "person" under § 1983 and that it enjoys Eleventh Amendment immunity from suit, therefore
22 insulating it from liability as to plaintiff's § 1983 action. Dkt. 17. Subsequently, plaintiff
23 requested leave to file an amended complaint, which the Court granted, and plaintiff filed an
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1 amended complaint omitting any reference to defendant DOC. Dkts. 19, 20. Defendant DOC
2 then filed a reply for its motion to dismiss, noting that plaintiff had omitted all references to the
3 DOC and stating that, therefore, defendant DOC's motion to dismiss was moot. Dkt. 22. The
4 Court agrees.

5 Therefore, it is ORDERED:

6 Defendant DOC's motion to dismiss (Dkt. 17) is denied as moot.

7 Dated this 27th day of February, 2019.

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11 J. Richard Creatura
12 United States Magistrate Judge
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